

**ARIZONA DEPARTMENT OF HEALTH SERVICES
DIVISION OF PUBLIC HEALTH SERVICES
OFFICE OF LABORATORY LICENSURE, CERTIFICATION, AND TRAINING
SUBSTANTIVE POLICY STATEMENT # SP-061-PHS-OLL**

CLARIFICATION OF “SIGNATURE” IN A.A.C. R9-14-617(F)(9)

The purpose of this substantive policy statement is to clarify the meaning of “signature” in A.A.C. R9-14-617(F)(9).

A.A.C. R9-14-617(F)(9) requires that a final report of compliance testing contain “[t]he laboratory director’s or designee’s signature.” The term “signature” is not defined in the statutes or rules governing licensing of environmental laboratories.

The Department is aware that some environmental laboratories are interested in providing final reports of compliance testing electronically, using electronic signatures to satisfy the requirement of A.A.C. R9-14-617(F)(9).

A.R.S. § 44-7002(8) defines “electronic signature” as “an electronic sound, symbol or process that is attached to or logically associated with a record and that is executed or adopted by an individual with the intent to sign the record.” A.R.S. § 44-7007(D) provides that “[a]n electronic signature satisfies any law that requires a signature.”

The Department interprets “signature” in A.A.C. R9-14-617(F)(9) to include either a hand-written or stamped signature on a hard-copy document or an electronic signature that meets the definition in A.R.S. § 44-7002(8).

The Department emphasizes that, regardless of how a laboratory director or the laboratory director’s designee signs a final report of compliance testing, the laboratory director is responsible for the contents of the report and the compliance testing that the report represents, as provided in A.R.S. §§ 36-495(7) and 36-495.04. Additionally, any owner, officer, agent, or employee of a laboratory who knowingly aids, permits, or abets the submission of false or inaccurate information when information is required by A.R.S. Title 36, Chapter 4.3 or the rules in 9 A.A.C. 14, Article 6 subjects the laboratory to denial, revocation, or suspension of its license under A.R.S. § 36-495.09(A) and A.A.C. R9-14-620.

Effective date: July 13, 2004

This substantive policy is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.